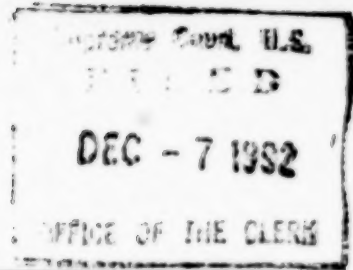


No. 91-7604



IN THE
Supreme Court of the United States
October Term, 1992

JEFFERY ANTOINE,

Petitioner,

v.

BYERS & ANDERSON, INC., AND
SHANNA RUGGENBERG,

Respondents.

On Writ Of Certiorari To The
United States Court Of Appeals
For The Ninth Circuit

OBJECTION TO MOTIONS FOR LEAVE TO FILE
BRIEFS OF AMICI CURIAE

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Respondent Byers & Anderson, Inc. opposes the motions before the Court for leave to file briefs of amici curiae in support of petitioner. Specifically, respondent Byers & Anderson, Inc. opposes the motion for leave to file brief amicus curiae filed by Johnathan and Karen Scott, and further opposes the motion for leave to file brief of amici curiae filed by the National Association of Criminal Defense Lawyers, the National Legal Aid and Defender Association, and the Alliance for Justice. Respondent Byers & Anderson, Inc. responds to both motions for leave to file amici curiae briefs in this objection.

THE SCOTTS SHOULD BE DENIED AMICUS CURIAE STANDING.

Johnathan and Karen Scott have no special expertise to assist the Court in

deciding the issues in this appeal. The Scotts are not friends of the Court, they are interested party plaintiffs in a similar, but distinct lawsuit. For this reason, the Ninth Circuit Court denied the Scott's motion for leave to file an amicus curiae brief. See September 10, 1990 Order attached as an appendix to this objection.

The thirteen page fact statement upon which the Scotts base their amicus brief pertains solely to their own civil action which is currently pending in a Washington State Superior Court. This civil action does not raise the same constitutional issues raised in the instant case involving a convicted criminal defendant's right to appeal.

Respondent Byers & Anderson, Inc. would not be able to respond adequately to the Scotts' amicus curiae brief

because there is no factual record of the Scott case before the Court. Moreover, the Scotts argue in their amicus curiae brief that Washington State law may, in part, apply to the immunity issue in Scott. Scott amicus brief at 29. It would not assist the Court in the instant case for the parties to brief issues of Washington State law.

If the Scotts' motion for leave to file brief amicus curiae is granted, the respondents would be forced to dedicate a significant portion of their briefs to issues that are not relevant to the instant appeal, and would be forced to make these legal arguments with no factual record. The Ninth Circuit Court of Appeals denied Scotts' motion to file a brief amicus curiae, and this Court should similarly deny the Scotts' motion.

APPELLATE DEFENDER ASSOCIATIONS SHOULD
BE DENIED LEAVE TO FILE BRIEF AMICUS
CURIAE

The brief of amici curiae offered by the National Association of Criminal Defense Lawyers, the National Legal Aid and Defender Association, and the Alliance for Justice ("Appellate Defender Organizations") addresses essentially the same issues as the petitioner's brief. The brief focuses on the Appellate Defender Organizations' view of the limited role and function of a court reporter. The Appellate Defender Organizations have no expertise to assist the Court in its understanding of the duties and functions performed by court reporters. Moreover, these Appellate Defender Organizations primarily engage in criminal appellate defense work. Antoine's Petition for Certiorari in his criminal action was

United States v. Antoine, 906 F.2d 1379 (9th Cir.), cert. denied, 111 S. Ct. 398 (1990). These Appellate Defender Organizations have no special expertise to assist the Court in this civil action. Their motion for leave to file brief of amici curiae should be denied.

DATED this 4th day of December, 1992.

Respectfully submitted,

MERRICK, HOFSTEDT & LINDSEY, P.S.

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APPENDIX

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JEFFREY ANTOINE,)	Nos. 90-35362
)	90-35363
Plaintiff/)	...90-35293
Appellant--)	
Cross-Appellee)	
)	DC# CV-88-260-RJB
vs.)	Western Washington
)	(Tacoma)
BYERS & ANDERSON,)	
et al.,)	
)	
Defendants/)	ORDER
Appellees --)	
Cross-)	
Appellants.)	

Before: SNEED, Circuit Judge

The motion of Johnathan Scott and Karen Scott for leave to file an amicus curiae brief is denied. The brief shall be lodged for such consideration as the merits panel deems appropriate.